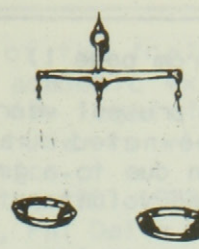


Quid Novi



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MCGILL UNIVERSITY FACULTY OF LAW

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L. U. S. COUNCIL

FAREWELL TO BAR SCHOOL?

BY DANNY GOGEX

Will Quebec abolish Bar school? This question was on the minds of all L.U.S. Councillors at the close of last week's meeting.

In a report on the Confédération des Associations d'étudiants en droit (CADED), Council learned that the proposed new regulations governing access to the Bar in Quebec would likely be "handed down" by the Office des Professions at Tuesday's meeting in Meakins Theatre. President Campbell Stuart suggested that the Office tends not to invite serious debate on its proposals, they merely "announce what they are doing".

If the proposals are adopted, the year normally spent in Bar School in Quebec would be "repatriated" to the law schools.

The proposals have particular implications for McGill. The civil law student completing the National Program would thus spend a total of five years at McGill instead of the present four. The implications for Faculty would also be considerable. There would be an obvious conflict between the objectives of a more highly emphasized National Program and a program designed to train for Bar admission. On the other hand, some students feel that a repatriation would lead to an improvement in the quality of education in courses for admission to the Bar.

These proposals of the Office des Professions are to be discussed and debated at the meeting of the General Assembly today at 1:00 p.m. in the Moot Court. This should prove an important meeting in formulating the position of McGill law students vis-à-vis the proposals.

In a report on the Job Bank, Jean-François Léger revealed that

there are many opportunities for student involvement on this year's Job Bank Committee.

The committee will be working throughout the year at updating the present McGill survey of Montreal law firms. These surveys are indispensable in the search for legal employment. Students on the committee will be responsible for contacting and often visiting many law firms. For new students, it is a particularly useful introduction to the Montreal legal community. Students interested should either leave a message at the Job Bank mailbox or in the L.U.S. Office.

In a report from the bookstore, Robert Donald stated that so far the bookstore has managed to stay out of the red, showing a net pro-

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ANALYSIS

LUS PLANNING BRIEF FOR OFFICE DES PROFESSIONS

In Quid Novi No. 6, I wrote a short report on the activities of CADED. Among the questions of interest to Quebec law students this year is the issue of supplementary conditions for the admittance to the legal profession.

This is a complex and vital issue, particularly for the legal profession. The Office des professions (whose authority emanates from the Code des Professions), after an elaborate study of the 30 professional corporations in Québec, has prepared an Avis (opinion) on the various supplementary conditions required by the corporations for admittance to the respective professions. It should be underlined that this Avis addresses itself to all corporations, and is therefore very general in its scope. The Office suggests that as the primary responsibility for education rests with the universities, any supplementary conditions involving schooling and examination should be repatriated to the educational institutions. But the po-

tentially serious implications that such a sweeping recommendation may have for the legal profession warrant a meticulous examination of the proposals submitted by the Office.

In the Avis, supplementary conditions are divided into three categories: "cours de formation professionnelle", examinations, and "stages". As to the first two, the Office questions the necessity of additional schooling and examinations after a three- or four-year university (or collegiate) program that is supposed to a) provide the education necessary for the exercise of the profession, and b) test the candidate's knowledge before he or she is granted the degree or certificate. The Office deduces that the examinations imposed by certain professional corporations serve only to verify anew that which was already evaluated by the educational institution; as to the additional schooling required by some corporations (notably the Bar), they purport to be imposed to complete "la formation estimée incomplète par les corporations qui les imposent". The Avis continues: "Si tel est le cas, cette situation est troublante. Elle dénoterait une carence inquiétante dans l'adaptation des programmes (universitaires) aux besoins de la société. Dans le cas contraire, l'imposition de ces cours serait abusive." In other words, why be subjected to additional exams after having gone through 3 years of exam trauma? Or, in the case of additional schooling, such a requirement may indicate a worrisome situation: either the universities are not fulfilling their obligation of competent schooling or, if that is not the case, additional schooling is superfluous, if not abusive.

Such propositions must be examined in their application to the legal profession. Are the requirements of bar school and examinations an unnecessary repetition of the subject-matter covered in university, or do they really fill a lacuna that cannot be properly covered in university? The answers to these questions probably vary from one faculty to another. Some, like

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LETTER

TO THE READER

It has been a great pleasure to bring you the first issues of Quid Novi. Almost every issue has seen improvements in production and/or format. Each week has brought the addition of at least one person to the Q/N staff, and it is gratifying to see recently contributions of quality, obviously produced with great care, begin spontaneously to appear in our mailbox. It is one of the primary goals of Q/N to encourage and facilitate expression of this nature. We take this opportunity to invite all-- staff, students, faculty and janitors alike-- to submit contributions in whatever form suits your message-- letter, comment, poem, story. We insist, however, that certain long standing conventions be adhered to: contributions must be typed, triple spaced, and placed in the Q/N office, or the Q/N mailbox in the LUS office, by Monday at noon. In addition, since space is not unlimited, we strongly urge you to keep submissions to a reasonable length and to warn us early in the week if your piece will run over, say, 700 words.

We realize there are many improvements to be made in the weeks ahead. Since everyone seems to have weighty matters on his mind, we are particularly interested in receiving something on the lighter side... any ideas? Also, we urgently are seeking someone who is willing to work as photography editor: where are all you closet photographers? We feel some pictures could do a lot for our paper; but we don't feel like just sticking in any old shots that are lying around; our space is too valuable for that.

And finally, speaking of value... the sad truth is that Q/N may come to an untimely end unless we manage to bring home a little more bacon. We have only begun to get into the business end of the newspaper business... but we're beginning to realize it's a lot of work. In other words, we need people who will spend a few hours a week peddling ads in our fine, and improving, rag.

There's lots of work here. We're still aiming for that high journalistic plateau of perfection set by the Journal.. so if you didn't make The Journal, why don't you give us a try?

Q/N STAFF

(Continued from page 1)

fit for the present year of \$5,000. It should be noted that this has largely been due to a great deal of hard work and voluntary employment.

In order to attain a position of financial security, the bookstore will maintain its present cost mark-up of 10% until a capital base of approximately \$10,000 has been reached. When this is attained, a reduction in the profit margin may take place, or consideration may be given to using profits from the Bookstore to finance student activities.

Finally, Antoinette Bozac and Bob L'Esperance were added to the Exam Scheduling Committee after expressing concerns that this committee should not consist solely of the class presidents. The committee will be meeting this week to consider the questions of (i) whether an early exam schedule is desirable, and (ii) if so, how it should be implemented. The meetings of this committee will be open and comments will be welcomed. For the time and date of these meetings, contact your class president.

(Continued from page 1)

Sherbrooke, seem to orient their curriculum solely towards a preparation for the Bar. Others, like McGill, seem to cover a wider, more theoretical and academic program. In the case of Sherbrooke, bar school and exams are perhaps unnecessary. For McGill students, however, the additional training helps fill a void in the practical and procedural aspects of the law.

Therein lies the principal, philosophical question. Is it the duty of a university to produce legal technicians, or legal minds? The tradition in civilian jurisdictions has been to provide a theoretical and academic education in university. The common law tradition, however, has been geared towards practical training in chambers, with university education as a prerequisite to admission to the bar developing as a comparatively recent phenomenon.

Perhaps our present system of university degree/bar school/ articling is a synthesis of the above two traditions, and is, at least in theory, the best way of providing a full and comprehensive legal education. But the fact remains that the system has not worked as well in practice as in theory. One need only look at the dissatisfaction and frustration expressed by bar students just a few years ago.

Teachers were accused of being incompetent and lazy, funding was inadequate, and examinations were found not to correspond to course content.

Nevertheless, if in theory the system is ideal, perhaps what is needed is an overhaul, rather than a reintegration of all teaching into the universities. For one thing, one always hesitates to put all one's eggs in one basket. Secondly, from a practical standpoint, there simply may not be sufficient funding available to universities to handle the additional load. The implication of that would be a far more "meat and potatoes", or technocratic, legal education.

In order to fully understand the opinion put forth by the Office, it is necessary to look at the larger context of the Avls. The central preoccupation of the Office des professions is the protection of the public by ensuring availability of competent professional services and access to these services through reasonable rates. The Office's concern centers around increasingly powerful autonomous professional corporations which, while espousing public protection, impose regulations and conditions which may be seen as having the effect of limiting membership and driving up rates, while not necessarily providing competent services. The legal profession, though not singled out in the Avls, is certainly not without fault in this respect. Past practices of unjustifiably high failure rates at the bar, together with what the public perceives as fat cat, dishonest and incompetent lawyers, lend credence to the concerns expressed by the Office.

It is evident that some sort of reform is needed to prevent past and continuing abuses of the system. But whether the only solution is that proposed by the Office in the Avis is a wholly different question.

The Office des professions will be holding public hearings in March. The deadline for submitting briefs is Dec. 18. We at the LUS are proposing to submit a position paper to the Office. Whether it will represent the opinion of McGill law students alone, or that of the entire faculty, or will be presented in conjunction with other faculties, is still an open question. Everyone is urged to help in the formulation of this opinion, which process will begin with an informational general assembly today, Thursday, at 1300 hrs. in the Moot Court.

MAREK NITOSLAWSKI

WHAT'S WHAT BY MARTINE TURCOTTE INTERNATIONAL LEGAL FRATERNITY PHI DELTA PHI

Phi Delta Phi is an internationally chartered society comprising many affiliated chapters. There are actually 129 such chapters in four different countries: Canada, the United States, Mexico and Puerto Rico. The international legal fraternity was founded in 1869 and is recognised as being the oldest one of its kind in North America-- as well as being the largest (70,000 members).

The McGill chapter was established in March 1979 and its official name is "Sir Wilfred Laurier Inn". Its charter which mentions the names of the founding members can be found in the Common Room. The present executive is composed of Mark Rubin (president), Bob L'Espérance (vice-president), Andrea Friedman (treasurer), Christina Tanner (secretary), and Belaine Lacey (historian).

The Phi Delta Phi International Legal Fraternity is dedicated to the promotion of friendship among its members. It gives them the opportunity of meeting other law students on both a social and professional level as well as providing contact with other members of the legal profession such as lawyers, notaries, professors and judges, all in a more relaxed atmosphere!

The fraternity involves itself in both social and educational activities. For example, the extemporaneous speaking contest has always been a tremendous success. The contest consists of asking professors to talk on a provocative subject for which they only have five minutes to prepare! As can be imagined the consequences are hilarious. The winner is the professor (or librarian) who demonstrates the most wit and dexterity in dealing with the topic.

Last year Phi Delta Phi organized a "Banana Eating Contest", the purpose of which was to raise money for the Terry Fox Marathon of Hope. It proved to be an overwhelming success as the contest raised a full \$1,000.

A speakers program was also offered by the fraternity on such topics as Bar School, job interviews, the notarial profession and legal practice in general. Lecturers were invited to speak on special areas of the law. The fraternity presented as well a special showing of the "The Paper Chase" for the film freaks in the Faculty.

A scholarship fund was instituted and an annual prize given to a stu-

dent member of the fraternity on the basis of academic excellence. In addition, the legal fraternity provides students with a job referral service.

As far as the 1981-1982 "season" is concerned, Phi Delta Phi intends to organize another extemporaneous speaking contest and is continuing its speakers program. It also plans to set up "fun drives" where beer and pizza or coffee and doughnuts will be sold. There is a tentative project to organize a tour of the Court House.

To become a member of the Phi Delta Phi Legal Fraternity involves payment of a \$40 fee. However membership is for life and the benefits are numerous. The formal initiation was specified to be "non-violent". Anyone interested in becoming a member should contact one of the executive.

(The author wishes to thank Anne Charron for her special collaboration.)

THE DEAN'S OFFICE

JURISPRUDENCE

Arrangements have been put into place to have Professor Brayton Polka, AB, AM, Ph.D (Harvard), Professor of History at York University join with Associate Dean MacDonald in offering this course in second term. Professor Polka is the first director of the graduate program of Social and Political Thought at York and has written extensively in the field.

Professor MacDonald will be in a position to explain in greater detail to interested students the role of Professor Polka in this offering rescheduled into second term.

FAMILY LAW 1A IN SECOND TERM

Professor Nicholas M.C. Bala, B.A. (U. of T.), LL.B. (Queen's) of the Faculty of Law, Queen's University will offer this course in the second term of this year. Details of the timetable arrangement will be announced, but Professor Bala will be offering this course on Fridays.

Professor Bala has indicated that he would be pleased to meet with students this term who might wish to explore with him the content and style of the course. If there is an indication of interest (by signing up at SAO) arrangements will be made for him to come down at a convenient time. Professor Bala has also indicated his interest in directing students in supervised essays in the field of the Law of the Family in second term.

Professor Bala has also indicated that he will be available after his classes for consultation with students.

SENATE REPORT

Recently Senate has been meeting in Moyse Hall because the new chambers, to be located on the second floor of the Leacock Building, are not yet finished. The move is the result of a decision to transform the current chambers into the Islamic Studies library.

At the last meeting there were only two issues of importance. The first involved a very complicated and confidential staff grievance issue. So confidential as a matter of fact that myself and several other senators protested that, even in closed session, there was such a lack of information that serious discussion was limited to those members of Senate fortunate enough to have been around when the issue arose several years ago. However the incident does illustrate the very pressing need for a Code of Faculty Discipline, a code which should be relatively simple to devise in light of Senate's experience in imposing a similar code upon students.

The other issue involved an amendment to the student grievance procedure whereby the grievor would have the right to be accompanied by an advisor who was not necessarily a member of the McGill community. The question was closely contended and was only defeated when the chairman, Principal Johnston, cast a tie-breaking vote against it. Although the existing procedure is not necessarily unfair to students, one would have thought that this at least would have been the topic of debate. Instead a series of speakers proceeded to disagree with the proposal upon the amusing, albeit somewhat disturbing, proposition that they could not accept the amendment because it would allow the participation of lawyers. One person went so far as to suggest that indeed lawyers were responsible for a great many problems and that we should follow the example of Japan, arguably a society as fair as our own, where there are but one tenth the number of lawyers. Whatever the merits of this argument I am sure you will agree that it will be more appropriate to discuss it after we have all graduated. Seriously however, it is a little disturbing to see the suspicion with which our faculty is viewed on lower campus, a suspicion which is perhaps shared with other 'graduate' faculties.

Guy Knowles

*** COMING EVENTS ***

Thursday, October 29

General Assembly: Main topic of discussion will be the Office des professions report.
Moot Court at 13:00.

Saturday, October 31

Halloween Party: Invitation is from the Faculty of Medicine.
Annexe 3708 Peel at 8:30pm.

Monday, November 3

Forum National: The new group at the school aiming to promote discussion of national law and national legal questions is holding an organising meeting. Some of the future plans include a series of lectures and discussions on what a National lawyer is, and a speakers program for next term centered on bringing out different perspectives on the place of Québec in Canada and the future of Canada as a whole. All are welcome.
At 13:00. Location TBA.

Wednesday, November 4

McGill International Law Society: Prof. Magdalénat, assistant-director of the Air and Space Law Institute will lead a discussion focusing upon terrorism in the air. In particular the Entebbe Incident will be analyzed.
Common Room at 13:00.

Société de Droit International de McGill: Le professeur Magdalénat -- assistant-directeur de l'Institut de Droit de l'Air et de l'Espace -- dirigera une discussion se concentrant sur le terrorisme aérien. L'incident d'Entebbe sera particulièrement analysé dans ce contexte.
Common Room à 13:00.

Moot Court Board: Mooting II Feedback Meeting: Comments suggestions or grievances? Come and get it off your chest!
Moot Court at 13:00.

LUS Council Meeting: Agenda: Examination survey committee report.
Room 202 at 6:00.

Friday, November 20

Law Practice for Law Students: Mr. C. Fortin, Director of the Montréal Bar School, and Mr. C.B. Sproule, Q.C., member of the Ont-

ario Bar, will hold a public conference to inform law students of the present possibility of having law students practice in Québec, and how the situation compares with that in Ontario. A committee will be formed which will study and propose a definition of an active law student practice for law students in Québec, associated with the Legal Aid Clinic, as is well developed in many other provinces. Everyone is welcome and members of the Legal Aid Clinic are urged to attend.
Moot Court at 13:00.

SKIT NITE

Skit nite. This is an evening where we entertain our own. Faculty members co-mingle with the student body in an extravaganza that promises laughter and good clean fun. Student skits poke fun at life in Chancellor Day. This year we intend to display a delightful array of talent: singers, actors, musicians, etc. To participate, contact Dave Hirsch or Richard Kurland through the S.A.O. We are still searching for original ideas. We also need actors and actresses. We'll make you a star!

BOOKSTORE

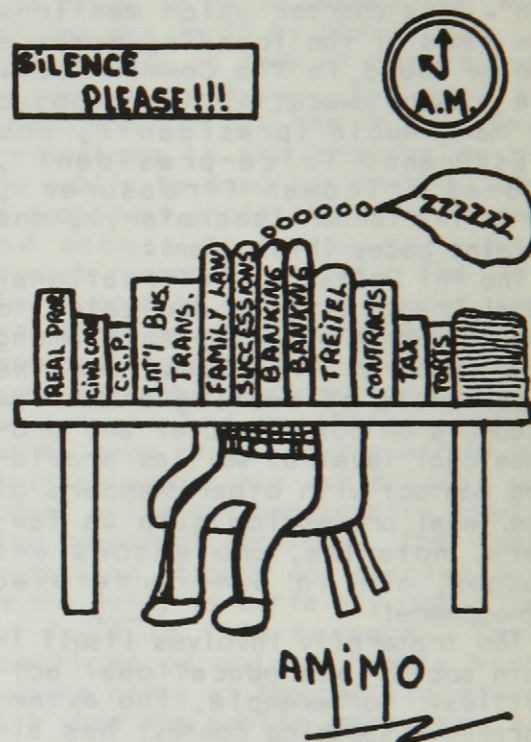
IMPORTANT MESSAGE

The Bookstore will be returning ALL unsold texts to the publishers on November 7, 1981. If any student requires a text it is imperative that it be purchased by Thursday, Nov. 6 at the latest. If you come to us after this date you'll be outa luck!

-Oscar Wilde-

I know not whether Laws be right
or whether laws be wrong;
all that we know who lie in gaol
Is that the wall is strong:
And that each day is like a year
A year whose days are long.

This too I know — and wise it were
If each could know the same —
That every prison that men build
Is built with bricks of shame
And bound with bare feet Christ
should see
How men their brothers maim.



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